

# EXHIBIT A



## *The Law Office of Emily Gomez, LLC*

2011 Noble Street  
Suite 201  
Pittsburgh, PA 15218

Tel: (412) 378-5854  
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Email: [esg@egomezlaw.com](mailto:esg@egomezlaw.com)

August 24, 2021

Jefferson Capital Systems, LLC  
16 McLeland Road  
St. Cloud, MN 56303



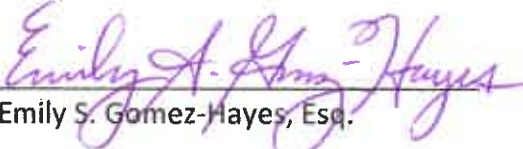
Re: **Chatman v. Jefferson Capital Systems, LLC, AR-21-003405**

Dear Sir or Madam,

Pursuant to Pa.R.C.P. 403, please find enclosed a copy of the Plaintiff's Complaint filed on August 3, 2021 in the Court of Common Pleas of Allegheny County, Pennsylvania. The above-captioned matter is currently scheduled for an arbitration hearing in Pittsburgh on November 10, 2021, in Room 702 of the City-County Building. Service of this Complaint is effective upon receipt.

If you have any questions or concerns, please don't hesitate to contact me. I can be reached at (412) 378-5854, or by email at [esg@egomezlaw.com](mailto:esg@egomezlaw.com).

Sincerely Yours,

  
Emily S. Gomez-Hayes, Esq.

# Allegheny County Court of Common Pleas Event Notification: AR-21-003405

From: webmaster.pro@county.allegheny.pa.us <WEBMASTER.PRO@COUNTY.ALLEGHENY.PA.US>

To: Emily Gomez <ESG@EGOMEZLAW.COM>

CC: promail@county.allegheny.pa.us <promail@county.allegheny.pa.us>

Date: Tuesday, August 3rd, 2021 at 2:44 PM

A Arbitration Hearing has been scheduled for

**AR-21-003405 - Chatman vs Jefferson Capital Systems LLC**

at Room 702, City-County Building on 11/10/2021 at 9:00

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**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

TYRONE CHATMAN,

Plaintiff,

vs.

JEFFERSON CAPITAL SYSTEMS, LLC,

Defendant.

CIVIL DIVISION

CASE NO. AR-21- 3405

**COMPLAINT**

Filed on Behalf of Plaintiff,  
Tyrone Chatman

Counsel of Record for this Party:

EMILY S. GOMEZ-HAYES, ESQ.  
PA I.D.# 206926

LAW OFFICE OF EMILY GOMEZ, LLC  
2011 Noble Street, Suite 201  
Pittsburgh, PA 15218  
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Jury Trial Demanded Upon  
Removal or Appeal

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

TYRONE CHATMAN,

Plaintiff,

vs.

JEFFERSON CAPITAL SYSTEMS, LLC,

Defendant.

CIVIL DIVISION

CASE NO. AR-21-3405

**NOTICE TO DEFEND**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within TWENTY (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSON AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE  
The Allegheny County Bar Association  
11<sup>th</sup> Floor Koppers Building  
436 Seventh Avenue  
Pittsburgh, Pennsylvania 15219  
Telephone: (412) 261-5555

### HEARING NOTICE

YOU HAVE BEEN SUED IN COURT. The above Notice to Defendant explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defendant, a hearing before a board of arbitrators will take place in the Compulsory Arbitration Center. Report to the Arbitration Assembly Room, Courtroom Two, Seventh Floor City-County Building, 416 Grant Street, Pittsburgh, Pennsylvania 15219, on \_\_\_\_\_, \_\_\_\_\_ at 9:00 a.m. **IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.**

BY THE COURT:

\_\_\_\_\_, A.J.

### DUTY TO APPEAR AT ARBITRATION HEARING

If one or more of the parties is not present at the hearing, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

**NOTICE:** You must respond to this complaint within twenty (20) days or a judgment for the amount claimed may be entered against you before the hearing.

If one or more of the parties is not present at the hearing, the matter may be heard immediately before a judge without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

TYRONE CHATMAN,

Plaintiff,

vs.

JEFFERSON CAPITAL SYSTEMS, LLC,

Defendant.

CIVIL DIVISION

CASE NO. AR-21-3405

**COMPLAINT**

AND NOW comes the Plaintiff, Tyrone Chatman, by and through his attorneys, Emily Gomez-Hayes and the Law Office of Emily Gomez LLC, and makes the following Complaint, asserting violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et. seq.* (“FDCPA”). In support thereof, he states as follows:

**PARTIES**

1. Plaintiff Tyrone Chatman (“Plaintiff”), is a natural person and resident of Allegheny County, Pennsylvania. Mr. Chatman is a “consumer” as defined by § 1692a(3) of the FDCPA. Prior to 2021, Plaintiff allegedly incurred a financial obligation primarily for personal, family, or household purposes – a “debt” as defined by § 1692a(5) of the FDCPA.

2. Defendant Jefferson Capital Systems, LLC (“JCS” or “Defendant”) is a Georgia limited liability corporation with a principal place of business in St. Cloud, MN. JCS’s primary business is the collection of charged-off consumer debt on behalf of original creditors and debt purchasers.

3. In the ordinary course of business, JCS utilizes the mails and telephone in an effort to collect charged-off debt from consumers in Allegheny County, Pennsylvania. Defendant is a “debt collector” as defined by § 1692(a)(6) of the FDCPA.

### FACTUAL ALLEGATIONS

4. On or about July 13, 2021, Defendant caused a letter (the “July Letter”) to be sent to the mailing address of Attorney Gregory Artim of Artim Law, LLC, although it was addressed to Plaintiff. Exhibit A.

5. The July Letter advised Plaintiff that there were settlement offers available in connection with a debt allegedly originated or owned by FingerHut Direct Marketing, the account number of which ended in 5125. Id.

6. The alleged balance of this supposed FingerHut account is \$1,463.39. Id.

7. Upon reading the letter, Attorney Artim had no idea what Defendant was talking about.

8. While Attorney Artim had represented Plaintiff in an unrelated legal dispute with a completely different debt collector two years earlier, the account at issue in that matter had an alleged balance of \$2,657.21. Exhibit B.

9. At no time did Attorney Artim represent Plaintiff with respect to the Credit Account ending in 5125.

10. With respect to the Credit Account ending in 5125, Attorney Artim was a third party and perfect stranger.

11. As a result, Attorney Artim did not have Plaintiff’s permission to view the private financial information contained in the July Letter.

12. Following his receipt of the July Letter, Attorney Artim informed Plaintiff that he had received unsolicited, private financial information of his in connection with a credit account that he had not retained him to handle.

13. Upon receiving the July Letter, Plaintiff became extremely upset and anxious, and worried that the security of any financial information of his in JCS’s possession was at risk.



14. As a direct and proximate result of Defendant's conduct, Plaintiff has experienced significantly increased anxiety, which has made it difficult to concentrate at work.

15. As a direct and proximate result of Defendant's conduct, Plaintiff has suffered from anxiety, embarrassment, stress, and lost sleep.

**Count I – FDCPA**

16. The preceding paragraphs are incorporated herein by reference.

17. The foregoing acts and omissions of Defendant constituted (1) improper communication to third parties, and (2) unfair practices in violation of 15 U.S.C. §§ 1692c and 1692f of the FDCPA.

***Communication with Third Parties: § 1692c***

18. In relevant part, § 1692c(b) requires that, inter alia:

“[w]ithout the prior consent of the consumer given directly to the debt collector, or the express permission of a court of competent jurisdiction, or as reasonably necessary to effectuate a postjudgment judicial remedy, a debt collector may not communicate, in connection with the collection of a debt, with any person other than the consumer, his attorney, a consumer reporting agency if otherwise permitted by law, the creditor, the attorney of the creditor, or the attorney of the debt collector.”

15 U.S.C. § 1692c(b).

19. In the instant matter, Defendant's actions violated § 1692c(b) because it disseminated private financial information of Plaintiff to a third party without Plaintiff's consent.

20. While § 1692c(b) provides for communications to a consumer's attorney, Plaintiff had no attorney with respect to the Credit Account ending in 5125.

21. Defendant's sending of the July Letter to Attorney Artim therefore violated § 1692c(b).

22. As a result of Defendant's actions, Plaintiff has suffered such harm as has previously been stated herein.

***Unfair or Unconscionable Means: § 1692f***

23. In relevant part, § 1692f prohibits debt collectors from engaging in any:

“[u]nfair or unconscionable means to collect or attempt to collect a debt.”

15 U.S.C. § 1692f.

24. Black’s Law Dictionary defines unconscionable as:

“[S]howing no regard for conscience; affronting the sense of sense of justice, decency, or reasonableness.”

Black’s Law Dictionary, 2<sup>nd</sup> Pocket Ed. 2001.

25. In the instant matter Defendant’s actions constituted unconscionable conduct in violation of §1692f, because disclosing a person’s private financial information to third parties without consent offends any objective person’s sense of justice, decency, and reasonableness.

26. As a result of Defendant’s actions, Plaintiff has suffered such harm as has previously been stated herein.

27. Due to the foregoing violations of 15 U.S.C. §§ 1692c and 1692f, Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount of up to \$1000.00 pursuant to § 1692k(a)(2)(A); and reasonable attorneys’ fees and costs pursuant to § 1692k(a)(3).

**Count II – FCEUA**

28. The preceding paragraphs are incorporated herein by reference.

29. The foregoing acts and omissions of Defendant JCS constituted violations of 73 P.S. § 2270.4(a) of the FCEUA, based on Defendant’s violations of 15 U.S.C. §§ 1692c and 1692f of the FDCPA.

30. Violations of the FCEUA in turn constitute per se violations of the Unfair Trade Practices and Consumer Protection Law ("UTCPL"), pursuant to 73 P.S. § 2270.5(a).

31. As a result of these violations, Plaintiff is entitled to up to three times his damages, costs, and attorneys' fees pursuant to 73 P.S. § 201-9.2 of the UTCPL.

### REQUEST FOR RELIEF

WHEREFORE, Plaintiff Tyrone Chatman respectfully requests that this Court:

- A. Declare that the Defendant's actions violated the FDCPA and the FCEUA;
- B. Enter judgment in favor of Plaintiff for actual and statutory damages, costs, and reasonable attorneys' fees as provided by § 1692k of the FDCPA and § 201-9.2 of the UTCPL; and
- C. Grant any further relief as deemed just.

### JURY DEMAND

Plaintiff demands a trial by jury upon removal or appeal.

### ARBITRATION LIMITS

This matter is filed within the court's Arbitration Limits.

Respectfully submitted,

LAW OFFICE OF EMILY GOMEZ, LLC

  
Emily S. Gomez-Hayes, Esq.  
PA I.D. #206926

2011 Noble Street, Suite 201

Pittsburgh, PA 15218

Tel: 412-378-5854

Fax: 412-357-1564

[esg@egomezlaw.com](mailto:esg@egomezlaw.com)

*Counsel for Plaintiff Tyrone Chatman*

**VERIFICATION**

I, Tyrone Chatman, have read the foregoing Complaint, and affirm that the facts asserted therein are true and correct to the best of my knowledge, information, and belief. This verification is made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

8/2/2021  
Date

Tyrone Chatman  
Tyrone Chatman

# **EXHIBIT A**

Current Creditor: JEFFERSON CAPITAL SYSTEMS LLC  
 Account #: XXXXXXXXXXXX5125  
 JCS Reference #: 3291558164  
 Debt Description: FINGERHUT DIRECT MKETING  
 Amount of the Debt: \$1,463.39



July 13, 2021

## Payment Offers Available

Dear Tyrone G Chatman:

Paying your outstanding balance can seem stressful. We have payment offers available to help you.

You can decide which plan works for you right now.

**Offer #1 - Single payment and the largest savings**

Resolve your account with a lump sum payment of \$585.35 which represents an approximate 60% savings.

**Offer #2 - Payment plan with savings**

Resolve your account with 6 monthly payments of \$109.75 which represents an approximate 55% savings.

**Offer #3 - Pay your account in full with monthly payments**

Resolve your account with 12 monthly payments of \$121.94 which represents payment of full balance.

We will request the credit bureaus delete the tradeline approximately 30 days after the final payment has been posted that resolves the account.

This information is not legal advice. The law limits how long you can be sued on a debt. Because of the age of your debt, we (Jefferson Capital Systems, LLC) cannot sue you for it. In many circumstances, you can renew the debt and start the time period for the filing of a lawsuit against you if you take specific actions such as making certain payment on the debt or making a written promise to pay. You should determine the effect of any actions you take with respect to this debt. If you do not pay the debt, we may report or continue to report it to the credit reporting agencies as unpaid for as long as the law permits this reporting.

If none of these options work for you, there is still room to customize as needed. Our staff is trained to assist you with a program that suits your needs.

**How to contact us:**

- Visit our web site at [www.MyJCAP.com](http://www.MyJCAP.com)
- By Phone: 844-362-7361 (English and Spanish)
- Hours of Operation: Mon-Thurs 8 AM - 6 PM, Fri 8 AM - 4 PM Central Time
- Send correspondence to: 16 McLeland Road, Saint Cloud, MN 56303
- Mail payments to: Jefferson Capital Systems, LLC  
 Dept 6419  
 PO Box 11407  
 Birmingham, AL 35246-6419

Sincerely,  
 Jefferson Capital Systems, LLC

**Notice of Additional Information:**

**Complaints:** If you have a complaint, please write to us at 16 McLeland Road Dept. C Saint Cloud, MN 56303 or call us toll-free at 1-888-718-0048, Monday through Friday.

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS NOT AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.



111541 35421143

Return Mail Only  
PO BOX 1120  
CHARLOTTE, NC 28201-1120

FIRST CLASS  
PRESORT  
U.S. POSTAGE  
**PAID**  
PCI

TYRONE G CHEATMAN  
1751 LINCOLN HWY  
NORTH VERSAILLES PA 15137-2858

To Open This Side - Slide Finger Under This Edge

## **EXHIBIT B**



**Magisterial District Judge 05-2-27****DOCKET**

Docket Number: MJ-05227-CV-0000209-2018

**Civil Docket**

MIDLAND FUNDING LLC

v.

Tyrone Chatman

Page 1 of 3

**CASE INFORMATION**

<u>Judge Assigned:</u>	Magisterial District Judge Eugene Ricciardi	<u>File Date:</u>	09/04/2018
<u>Claim Amount:</u>	\$2,657.21	<u>Case Status:</u>	Closed
<u>Judgment Amount:</u>		<u>County:</u>	Allegheny

**CALENDAR EVENTS**

<u>Case Calendar</u>	<u>Schedule</u>			<u>Judge Name</u>	<u>Schedule</u>
<u>Event Type</u>	<u>Start Date</u>	<u>Start Time</u>	<u>Room</u>		<u>Status</u>
Civil Action Hearing	10/18/2018	9:30 am	New Address as of 10/01/2018	Magisterial District Judge Eugene Ricciardi	Continued
Civil Action Hearing	02/12/2019	1:15 pm		Magisterial District Judge Eugene Ricciardi	Continued
Civil Action Hearing	06/04/2019	1:15 pm		Magisterial District Judge Eugene Ricciardi	Continued
Civil Action Hearing	06/25/2019	1:15 pm		Magisterial District Judge Eugene Ricciardi	Scheduled

**CASE PARTICIPANTS**

<u>Participant Type</u>	<u>Participant Name</u>	<u>Address</u>
Defendant	Chatman, Tyrone	Pittsburgh, PA 15213
Plaintiff	Midland Funding LLC	Philadelphia, PA 19113

**DISPOSITION SUMMARY**

<u>Docket Number</u>	<u>Plaintiff</u>	<u>Defendant</u>	<u>Disposition</u>	<u>Disposition Date</u>
MJ-05227-CV-0000209-2018	Midland Funding LLC	Tyrone Chatman	Judgment for Defendant	06/27/2019

## Magisterial District Judge 05-2-27

### DOCKET

Docket Number: MJ-05227-CV-0000209-2018

### Civil Docket



MIDLAND FUNDING LLC

v.

Tyrone Chatman

Page 2 of 3

### ATTORNEY INFORMATION

#### Complainant's Attorney

Name: Daniel Joseph Santucci, Esq.

Representing: Midland Funding LLC

Counsel Status: Active - Entry of Appearance

Supreme Court No.: 092800

Phone No.: 866-300-8750

Address: 1 International Plaza 5th Floor  
Philadelphia, PA 19113

Entry of Appearance Filed Dt: 09/04/2018

Withdrawal of Entry of Appearance Filed Dt:

#### Private

Name: Gregory Thomas Artim, Esq.

Representing: Chatman, Tyrone

Counsel Status: Active - Entry of Appearance

Supreme Court No.: 080886

Phone No.: 412-823-8003

Address: Morrow & Artim PC  
1751 Lincoln Highway  
North Versailles, PA 15137-2558

Entry of Appearance Filed Dt: 05/30/2019

Withdrawal of Entry of Appearance Filed Dt:

#### Complainant's Attorney

Name: William Charles Cahill, Esq.

Representing: Midland Funding LLC

Counsel Status: Active - Entry of Appearance

Supreme Court No.: 314550

Phone No.: 866-300-8750

Address: 1 International Plaza 5th Floor  
Philadelphia, PA 19113

Entry of Appearance Filed Dt: 09/04/2018

Withdrawal of Entry of Appearance Filed Dt:

**Magisterial District Judge 05-2-27****DOCKET**

Docket Number: MJ-05227-CV-0000209-2018

**Civil Docket**

MIDLAND FUNDING LLC

v.

Tyrone Chatman

Page 3 of 3

**DOCKET ENTRY INFORMATION**

<u>Filed Date</u>	<u>Entry</u>	<u>Filer</u>	<u>Applies To</u>
06/27/2019	Judgment for Defendant	Magisterial District Court 05-2-27	Tyrone Chatman, Defendant
06/04/2019	Intent to Defend Filed	Tyrone Chatman	Tyrone Chatman, Defendant
05/30/2019	Entry of Appearance Filed	Gregory Thomas Artim, Esq.	Tyrone Chatman, Defendant
05/07/2019	Civil Complaint Successfully Served	Magisterial District Court 05-2-27	Tyrone Chatman, Defendant
04/23/2019	Civil Complaint Issued via Hand Delivery	Magisterial District Court 05-2-27	Tyrone Chatman, Defendant
03/19/2019	Civil Complaint Unsuccessfully Served	Magisterial District Court 05-2-27	Tyrone Chatman, Defendant
12/28/2018	Civil Complaint Issued via Hand Delivery	Magisterial District Court 05-2-27	Tyrone Chatman, Defendant
12/28/2018	Dismissed Without Prejudice	Magisterial District Court 05-2-27	Tyrone Chatman, Defendant
12/28/2018	Civil Reinstatement	Magisterial District Court 05-2-27	Tyrone Chatman, Defendant
10/19/2018	Certified Civil Complaint Unclaimed	Magisterial District Court 05-2-27	Tyrone Chatman, Defendant
09/07/2018	Certified Civil Complaint Issued	Magisterial District Court 05-2-27	Tyrone Chatman, Defendant
09/04/2018	Entry of Appearance Filed	Daniel Joseph Santucci, Esq.	Midland Funding LLC, Plaintiff
09/04/2018	Civil Complaint Filed	Midland Funding LLC	

